



STAFF REPORT

Planning Commission

CASE #Z-919-15

PC Date:	April 7, 2015	Case Planner:	Jared Draper
CC Date:	May 18, 2015		
Location:	7420 E. 86 th Avenue Commerce City, CO 80022		
Applicant:	Manuel & Deborah Ornelas	Owner:	Same as Applicant
Address:	4709 Washington Street Denver, CO 80226	Address:	Same as Applicant

Case Summary

Request:	1. Rezone the newly annexed land from ADCO AG-1 to Commerce City I-2. 2. Rezone the property currently zoned Commerce City AG to I-2.
Project Description:	The property owner is requesting a portion of the subject property (0.86 acres) to be annexed into Commerce City (AN-234-15). The entire subject property, including the portion currently in Adams County, is 4.11 acres and is undeveloped. Along with the annexation request, the applicant is requesting to zone the newly annexed land from ADCO to Commerce City I-2 and to rezone the property currently in the city from AG to I-2. This request would result in a Commerce City I-2 zoning designation for the entire 4.11 acre site. There is no proposed development for the subject property.
Issues/Concerns:	▪ Consolidation plat
Key Approval Criteria:	▪ I-2 zone district standards ▪ Zone change approval criteria ▪ Zoning of newly annexed land approval criteria
Staff Recommendation:	Approval with Conditions
Current Zone District:	ADCO (Unincorporated Adams County) / AG (Agricultural District)
Comp Plan Designation:	General Industrial

Attachments for Review: *Checked if applicable to case.*

- ☒ Vicinity Map
- ☒ Annexation Map

Background Information

Site Information

Site Size:	4.11 acres
Current Conditions:	Undeveloped
Existing Right-of-Way:	E. 86 th Avenue to the North, Roslyn Street to the East
Neighborhood:	Irondale
Existing Buildings:	Vacant
Buildings to Remain?	☐ Yes ☒ No
Site in Floodplain	☐ Yes ☒ No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Industrial	Industrial office/storage	I-2
South	Industrial	Industrial Warehouse/office	I-2
East	Residential	Single Family Detached	ADCO
West	Industrial	Neway Packaging & Facility Supply	I-1

Case History

The cases below are concurrent applications. City Council will hear the Annexation case (AN-234-15) along with the requested zoning of newly annexed land and zone change. The consolidation plat (S-632-15) is currently under review.

Case	Date	Request	Action
AN-234-15	May, 2015	Annex 0.86 acres from ADCO into Commerce City	Pending Approval
S-632-15	May, 2015	Consolidate 4.11 acres into a single lot	Under Review

Applicant's Request

The applicant is requesting the zoning of newly annexed land from ADCO to Commerce City I-2 for a 0.86 acre portion of the subject property. Additionally, the applicant is requesting a zone change for the remaining portion of subject property that is currently within Commerce City to change from AG to I-2. The annexation and zoning requests would result in the entire subject property (4.11 acres) to be zoned I-2. The subject property is located on the southwest corner of E. 86th Avenue and Roslyn Street.

According to the applicant, there is no proposed development on the property at this time. The subject property is currently vacant. The requested annexation and zoning will align the subject property with the Comprehensive Plan future land use designation of General Industrial. The applicant has also submitted a consolidation plat that is being reviewed by staff to consolidate the subject property into a single lot (S-632-15).

Development Review Team Analysis

Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	Future Land Use Plan as a Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the land Development Code (LDC).
<u>Analysis:</u>	The rezoning keeps the subject property in alignment with the Future Land Use Plan. Furthermore, the submitted subdivision plat creates a legal and conforming lot that does not require additional variances and meets all bulk standards.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1.3	Positive Benefit of Annexation: The city will consider annexation of areas on a case-by-case basis, ensuring positive social, economic, fiscal, and environmental benefits associated with the potential annexation
<u>Analysis:</u>	The annexation and zoning of the subject property brings this area of the city into further compliance with the future land use established by the comprehensive plan.	

The subject property is located on the southwest corner of E. 86th Avenue and Roslyn Street. The Development Review Team (DRT) has reviewed the requests with the approval criteria for the zoning of newly annexed land and zone change within Article III of the city's Land Development Code. The following analysis addresses the requirements, approval criteria for newly annexed land, approval criteria for a zone change, and the recommendation of city staff based upon the analysis. Although the property has been zoned AG, it has not been used for viable agricultural uses.

Requirements

The subject property is approximately 4.11 acres in size. Based on the applicant's request to rezone the property from ADCO and Commerce City AG to I-2, the property shall be in compliance with the I-2 bulk standards. The submitted subdivision plat proposes that the entirety of the subject property be consolidated into a single lot.

At this time, there is no proposed development on the site. If the requested annexation and zone change are approved, the property will be required to meet all industrial design standards at the time of development. These standards include adequate parking, circulation, emergency access, and land user. The property has been the subject of several proposed developments over the years but due to the numerous land use applications required, no development has occurred. Staff is optimistic that with these applications and the improving economy this site can be developed with an appropriate user.

The zone change request is a speculative rezoning. The DRT concludes that the speculative rezoning is appropriate for the subject property due to the requested zone district's alignment with the Comprehensive Plan. The Comprehensive Plan, specifically for the Irondale neighborhood, identifies light industrial uses along major thoroughfares, such as Rosemary Street, with more intense industrial use for properties setback from major thoroughfares. The subject property is not located along Rosemary Street and is identified for heavier industrial uses that align with allowed uses in the I-2 zone district.

Approval Criteria for Zoning of Newly Annexed Land

According to the Sec. 21-3350 of the LDC, the criteria for zoning newly annexed land states that the subject property shall be given a zoning classification that meets at least one of the following:

- Most compatible with the city's comprehensive plan designation;
- Most comparable to the county zoning classification existing on the subject property at the time of acceptance by the city of the annexation petition for the subject property;
- Most comparable to the present use(s) of the property.

The DRT reviewed the requested zoning classification against the above criteria and concluded that the requested I-2 zone district is most compatible with the city's comprehensive plan designation of General Industrial. Therefore, the request for the zoning of newly annexed land meets the approval criteria.

Criteria Met?	Sec. 21-3350. Zoning of Newly Annexed Land	Rationale
☒	Most compatible with the city's comprehensive plan designation or the property;	The comprehensive plan identifies the subject property for General Industrial uses. The General Industrial future land use category includes the I-2 zone district.
	OR	
☐	Most comparable to the county zoning classification existing on the subject property at the time of acceptance by the city of the annexation petition for the subject property;	N/A
	OR	
☐	Most comparable to the present use(s) of the property.	N/A

Approval Criteria for Zone Change

The portion of the subject property that is currently in Commerce City is zoned AG. The requested I-2 zone district has been reviewed against the approval criteria within the city's Land Development Code. All of the approval criteria for the zone change request have been met and the DRT is recommending approval based on the rationale below.

Criteria Met?	Sec. 21-3232. Rezoning or Zone Changes	Rationale
☒	The change is consistent with any City adopted plans for the area;	The proposed I-2 zoning is consistent with the City's Comprehensive Plan designation for general industrial development.
☒	The change is compatible with proposed development, surrounding land uses and the natural environment;	The proposed I-2 zoning are compatible with the surrounding area. Several of the adjacent and surrounding properties are zoned or used for industrial purposes.
☒	There is, or will be, adequate public services, (water, sewerage, streets, drainage, etc.);	There are adequate public services provided for the subject property.
☒	There is, or will be, adequate public uses (parks, schools, and open space);	There are adequate parks, schools, and open space for the subject property. No additional public uses will be required due to this zone change.
☒	The change is needed to provide/maintain a proper mix of uses in the area/City;	The requested zone change will bring the existing property into alignment with the Comprehensive Plan and provide the ability to develop into a new industrial business, reinforcing the industrial character of the surrounding area, and ensuring a proper mix of uses in the City.
☒	The area for which the change is requested has changed/is changing and it is in the public interest to allow a new use or density.	The surrounding area has changed and continues to change toward a strong industrial character. The proposed zone district will align the property with the Comprehensive Plan and will ensure future development is compatible with the surrounding uses.

Summary and Recommendation

The DRT has concluded that the requested zoning of newly annexed land and the zone change meet the respective approval criteria. Through the review, staff concludes that the proposed I-2 zone district is the most appropriate for the subject property. Although the applicant has submitted the consolidation plat for the subject property, the DRT is recommending that a condition be placed on the requested zoning that the final consolidation plat and any applicable agreements be completed prior to any development plans or building permits.

Although the requested annexation and zoning is not proposing development at this time, the DRT has concluded that the annexation and zoning is appropriate for the subject property. These requests align the subject property with the city's comprehensive plan and will require any future development to meet all applicable industrial standards. Additionally, through the final consolidation plat, a Public Improvement Agreement will be executed ensuring improved infrastructure at the time of development.

Based on the analysis above, the DRT is recommending the Planning Commission forward the requests for zoning of newly annexed land and zone change to City Council with a recommendation of approval with one condition:

1. The final consolidation plat and any applicable agreements shall be completed prior to any development plan approval or prior to any building permits being issued for the property.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for the zoning of newly annexed land and zone change set forth in the Land Development Code and recommends that the Planning Commission forward the Zone Change request to the City Council with a favorable recommendation, subject to the following condition:

1. The final consolidation plat and any applicable agreements shall be completed prior to any development plan approval or prior to any building permits being issued for the property.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **7420 E. 86th Avenue** contained in case **Z-919-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change based on the following condition:

1. The final consolidation plat and any applicable agreements shall be completed prior to any development plan approval or prior to any building permits being issued for the property.

Alternative Motions

To recommend approval

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Zone Change for the property located at **7420 E. 86th Avenue** contained in case **Z-919-15** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change subject to the following conditions:

To recommend denial:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **7420 E. 86th Avenue** contained in case **Z-919-15** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Zone Change.